

REMARKS

The Examiner has indicated the allowability of claims 4, 6-11, 13-15, 18-19, 21-24 if rewritten to overcome the 112 rejection and if written in independent form. The applicant thanks the Examiner for his review of the claims and the indication of allowability.

The Examiner has rejected claims 16-24 under 35 USC §112, second paragraph, as being indefinite. Applicant has addressed the antecedent basis issues pointed out by the Examiner and submit that this rejection is now moot.

The Examiner has also rejected claims 1-3, 5 and 12 under 35 USC §102(b) as being anticipated by Bishop (5,356,076), and has rejected claims 16, 17, 20, 22 under 35 USC §102(b) as being anticipated by George et al. (3,186,643). Applicant has amended the independent claims 1 and 16 to more particularly define the present invention over the cited prior art.

More particularly, amended claim 1 recites, *inter alia*, a “closing means, external to said housing and to said rotary valve, **that is pivotable about a member disposed external to said rotary valve in response to rotation of said rotary valve.** (emphasis added). Nowhere does the cited prior art teach or suggest such features.

Bishop discloses shower soap dispenser which employs a main rotary valve 2 with a rotatable valve element 15 (FIG. 4a) that is manually rotated between “soap”, “rinse”, and “off” positions. A soap adjust valve 3 and an air valve 4 are disposed opposite one another and lead to a mixing area 40 where soap (from the soap adjust valve 3) mixes with air (from the air valve 4). The soap/air mixture produced in mixing area 40 is carried by conduit 19 to the main rotary valve 2 where it is mixed with water for discharge out the outlet conduit 17. The air valve 4 includes a threaded valve element 29 and ball 30 that cooperate to selectively adjust the restriction encountered by air which seeks to move under the urging of atmospheric pressure into the mixing area. Such adjustment is carried out by rotation of the threaded valve element 29, which advances the threaded valve element into the cavity and urges the ball 30 to seat into an air supply passage 32 which passes through the valve element 29.

The Examiner equates the valve element 29 of Bishop to the closing means of the claim. However, the manual control of the air valve 4 of Bishop is accomplished by rotation of the threaded valve element 15 in a manner that is independent of the rotational movement of the rotatable valve element 15 between the “soap”, “rinse”, and “off” positions. Thus, the threaded valve element 15 is not “pivotable about a member disposed external to said rotary valve in response to rotation of said rotary valve” as specified in the claim. For these reasons, the means for closing the vent path in Bishop works in a completely different way and therefore neither anticipates nor suggests the “closing means” of amended claim 1.

The dependent claims 2, 3, 5 and 12 are patentable over Bishop for those reasons advanced above with respect to claim 1 and for reciting additional features neither taught nor suggested by the cited prior art.

Amended claim 16 recites, *inter alia*, “vent control means, mounted externally on the housing, **for pivoting movement about a member offset from the rotational axis of the rotary valve in response to rotation of the rotary valve.**” (emphasis added).

Nowhere does the cited prior art teach or suggest such features. The Examiner equates the boss 92 of the George et al. reference to the vent control means of the claim.

However, the boss 92 is an integral part of the rotating valve as described in col. 3, lines 43-46 of the George et al. reference. Thus, the boss 92 rotates about the rotational axis of the rotating valve, and does not and cannot provide for “**pivoting movement about a member offset from the rotational axis of the rotary valve**” as specified in the claim.

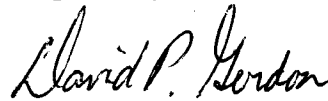
For these reasons, the vent control means in the George et al. reference works in a completely different way and therefore neither anticipates nor suggests the “vent control means” of claim 16.

The dependent claims 17, 20 and 22 are patentable over the cited prior art for those reasons advanced above with respect to independent claim 16 from which they respectfully depend and for reciting additional features neither taught nor suggested by the prior art.

New dependent claims 25 and 26 are presented in the amendment above. These new dependent claims are patentable over the cited prior art for those reasons advanced above with respect to independent claim 16 from which they respectfully depend and for reciting additional features neither taught nor suggested by the prior art.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

A handwritten signature in black ink that reads "David P. Gordon". The signature is written in a cursive, flowing style.

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